

UNITED STATES BANKRUPTCY COURT
District of South Dakota

GENERAL ORDER RE: PAYMENT OF
INCOME TAX REFUND TO CHAPTER 7 TRUSTEE

IT APPEARING desirable to establish a uniform procedure by which a Chapter 7 trustee may ensure the bankruptcy estate's receipt of that portion of a debtor's income tax refund that is estate property,

IT IS HEREBY ORDERED that in any Chapter 7 case in which the trustee determines that the bankruptcy estate has an interest in a tax refund to which the debtor is entitled, the trustee shall notify the Internal Revenue Service in writing of the estate's interest and shall provide a copy of the Clerk's Notice of Commencement of Case under Chapter 7 of the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates ("§ 341 Notice") to the Internal Revenue Service; and

IT IS FURTHER ORDERED that the trustee shall provide a copy of the trustee's letter to the Internal Revenue Service and a copy of the instant General Order to the debtor and the debtor's attorney; and

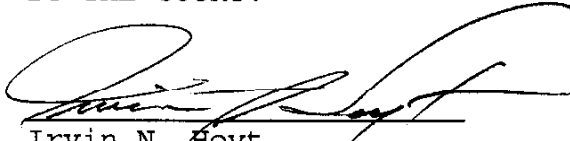
IT IS FURTHER ORDERED that upon being notified in writing of the bankruptcy estate's interest in the debtor's tax refund, the Internal Revenue Service shall promptly pay over to the trustee the entire sum owing to the debtor; and

IT IS FURTHER ORDERED that upon receipt of the debtor's tax refund, the trustee shall promptly pay over to the debtor any portion of the tax refund that is not estate property, including any portion that the debtor has claimed exempt; and

IT IS FURTHER ORDERED that at any time prior to the Court's approval of the trustee's proposed final distribution of estate funds pursuant to a Minimal Asset Report or a Final Report Before Distribution, the debtor may notify the trustee in writing that the debtor disputes the amount of the tax refund claimed by the estate, in which event the trustee shall promptly schedule and give notice of a hearing to determine the extent of the estate's interest in the tax refund.

So ordered this 11 day of March, 1997.

BY THE COURT:


Irvin N. Hoyt
Chief Bankruptcy Judge



NOTICE OF ENTRY
Under F.R.Bankr.P. 9022(a)
Entered

MAR 11 1997

Charles L. Nail, Jr., Clerk
U.S. Bankruptcy Court
District of South Dakota